

CHAPTER 5000 SERVICE DELIVERY

TABLE OF CONTENTS

CHAPTER 5000 SERVICE DELIVERY	5-1
5100 FOCUS OF SERVICE DELIVERY	5-1
5200 FAMILY PRESERVATION	5-1
5300 INTERSTATE COMPACT	5-1
5400 FAMILY RECONCILIATION SERVICES (FRS)	5-2
5410 POLICE CUSTODY AND NOTIFICATION OF CHILD'S ABSENCE FROM HOME TO DCFS	5-2
5420 IMMEDIATE NOTIFICATION TO PARENTS	5-5
5430 TRANSPORTATION TO CHILD'S HOME OR OUT-OF HOME PLACEMENT	5-5
5440 CRISIS RESIDENTIAL CENTER (CRC)	5-6
5500 OUT-OF-HOME PLACEMENT	5-8
5510 PARENT/CHILD NON-AGREEMENT OF OUT-OF-HOME PLACEMENT	5-8
5520 PETITION TO APPROVE AN OUT-OF-HOME PLACEMENT	5-8
5530 FACT-FINDING HEARING	5-10
5540 AT-RISK YOUTH PETITION	5-15
5600 OUT-OF-HOME PLACEMENT SERVICES	5-16
5610 CRISIS RESIDENTIAL CENTER (CRC) PLACEMENT	5-16
5620 TIME LIMITATION FOR CRC PLACEMENTS	5-18
5630 PRIOR TO PLACEMENT OF A CHILD	5-18
5631 Conflict of Interest in Placement	5-19
5640 AFTER PLACEMENT OF A CHILD	5-20
5641 Health and Education Passport	5-21
5650 CONSIDERATIONS REGARDING MOVING A CHILD	5-21
5660 PLACEMENT IN MENTAL HEALTH CARE	5-22
5700 JUVENILE DEPENDENCY AND RIGHTS OF CHILDREN AND FAMILIES	5-23
5710 DEPENDENCY PETITION	5-23
5720 INITIAL COURT ORDER	5-23
5730 CONTEMPT OF COURT	5-24
5740 PARENTAL RIGHTS	5-25
5741 Notification of Custody	5-25
5742 Notification of Shelter Care Hearing	5-26
5750 SHELTER CARE	5-27
5760 FACT-FINDING OR DISPOSITION HEARING	5-29
5761 Disposition Determinations	5-32
5762 Termination of Parental Rights	5-33
5770 GUARDIANSHIP	5-38
5780 DEVELOPMENTALLY DISABLED CHILDREN	5-40
5781 Judicial Determination for Out-of-Home Placement	5-40
5800 ADOPTION	5-41
5810 ADOPTION SUPPORT	5-41
5820 PRE-PLACEMENT REPORT	5-41
5830 ADOPTION CONFIDENTIALITY	5-42
5840 CASE RECORDS TO PROSPECTIVE ADOPTING PARENT	5-42
5850 ADOPTION CONSENT	5-44
5860 DSHS POST-ADOPTION SERVICES	5-45

5100 FOCUS OF SERVICE DELIVERY

- A. Interventions and services shall focus and build upon family strength and be responsive to individual and cultural needs.

[RCW 74.14C.005](#)

- B. The department shall employ the least intrusive interventions which engage the family in problem solving efforts, provided the child is adequately protected.

[RCW 74.14A.020](#)

- C. All service delivery shall be goal-oriented, establishing a plan for permanency at the onset of service delivery in order to best serve the child and family's needs. All services and case activity shall be directed towards achieving the permanency planning goals and health, safety, and welfare of the child.

RCW 13.34.; 42 USC 675, Sec. 475

[RCW 13.34.145](#); [RCW 74.14A.020](#); [RCW 74.14A.025](#);

- D. The department shall utilize collaborative community efforts to improve the coordination of needed services for the prevention of CA/N and the preservation of families.

[RCW 74.14A.020](#)

5200 FAMILY PRESERVATION

It is a legislative goal that protecting the health and safety of children is paramount. Within available funds, the department shall focus child welfare services on protecting the child, strengthening families and, to the extent possible, provide necessary services in the family setting, while drawing upon the strengths of the family. The department, where available and appropriate, may arrange for family preservation services to prevent the need for placement. These services emphasize the safety of the child, value family unity, and focus on individual family members' strengths.

RCW 74.14C.005; RCW 74.14A.020

5300 INTERSTATE COMPACT

- A. Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care, or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state.
- B. The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

[RCW 26.34.010](#)

5400 FAMILY RECONCILIATION SERVICES (FRS)

- A. Information and referral services may be provided when further DCFS services are not appropriate and the child/family are better served by another agency.
- B. Where a child is placed an out-of-home placement pursuant to RCW 13.32A.090, the department shall make available FRS in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

[RCW 13.32A.040](#)

[RCW 13.32A.100](#)

5410 Police Custody And Notification Of Child's Absence From Home To DCFS

- A. A law enforcement officer acting in good faith pursuant to RCW 13.32A is immune from civil or criminal liability for such action.
- B. A person with whom a child is placed pursuant to RCW 13.32A and who acts reasonably and in good faith is immune from civil or criminal liability for the act of receiving the child. The immunity does not release the person from liability under any other law.
- C. Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home without the permission of the parent, or other lawfully prescribed residence, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department's local DCFS office.
- D. When the department receives a report under paragraph C above, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.
- E. A law enforcement officer shall take a child into custody:
 - 1. If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or
 - 2. If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

[RCW 13.32A.070](#)

[RCW 13.32A.070](#)

[RCW 13.32A.080](#)

[RCW 13.32A.082](#)

3. If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or
 4. If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued under chapter 13.32A or 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under chapter 13.32A or 13.34 RCW.
[RCW 13.32A.050](#)
 5. If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of abuse or neglect.
 6. It is not practical to take the child to his or her home or place of the parent's employment.
 7. There is no parent available to accept custody of the child.
[RCW 13.32A.060](#)
- F. If a law enforcement officer takes a child into custody pursuant to paragraph E 1 or 2 above, and transports the child to a CRC, the officer shall, within 24 hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The CRC shall provide DCFS with a copy of the officer's report.
[RCW 13.32A.050](#)
- G. An officer taking a child into custody under RCW 13.32A.050 shall inform the child of the reason for such custody and shall:
1. Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the office take the child to the home of an adult extended family member, responsible adult, CRC, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into custody of one of the above shall inform the receiving home or facility the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or
 2. After attempting to notify the parent, take the child to a designated CRC's secure facility or semi-secure facility if the secure facility is full, not available, or not located within a reasonable distance.
 3. After attempting to notify the parent, if a CRC is full, not available, or not located within a reasonable distance, request the department to accept custody of the child. If the department determines that an

appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement.

- a. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to 72 hours, excluding Saturdays, Sundays, and holidays, without filing a CHINS petition under chapter 13.32A RCW, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody.
- b. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; or a licensed youth shelter. The officer shall immediately notify the department if no placement option is available and the child is released.

[RCW 13.32A.060](#)

- H. If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

[RCW 13.32A.050](#)

- I. The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities with centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

[RCW 13.32A.060](#)

- J. Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed 72 hours, excluding Saturdays, Sundays, and holidays, except that, through June 30, 2002, a child placed in a secure facility under a court order entered under RCW 13.32A.250 must remain in the secure facility as provided in RCW 13.32A.065. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed under chapter 13.32A RCW, or an order for placement has been entered under chapter 13.34 RCW.

[RCW 13.32A.060](#)

- K. A juvenile may be taken into custody pursuant to RCW 13.40.040, but may not be held in detention unless meeting the provisions of RCW 13.40.040. The court or law enforcement may release a juvenile only to a responsible

adult or to DSHS. See the *CA Practices and Procedures Guide*, chapter 3000, section 3540, for practice considerations.

RCW 13.40.040 and 13.40.050

- L. Effective June 9, 2000, no placement of a juvenile in a secure facility under RCW 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, or 74.13.034 as a result of an order entered under RCW 13.32A.250 or 28A.225.090 may displace or prevent the placement of a juvenile in a secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130. If a secure facility is located in a separate, secure section of a juvenile detention facility, no more than 50 percent of its capacity may be occupied by juveniles placed under RCW 13.32A.250 or 28A.225.090. If any capacity of a secure facility located in a juvenile detention facility is taken by a juvenile placed under RCW 13.32A.050, 13.32A.060, or 13.32A.130, that juvenile must be placed in the secure facility and a juvenile placed under RCW 13.32A.250 or 28A.225.090 be moved immediately to the juvenile detention facility.

[RCW 13.32A.067](#)

5420 Immediate Notification to Parents

The administrator of a designated crisis residential center (CRC) or the department, pursuant to RCW 13.32A.070, shall:

- A. Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement.
- B. Initially notify the parent that it is the paramount concern of the FRS personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under RCW 13.32A.
- C. Inform the parent whether a referral to CPS has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020 governing child abuse and neglect in this state.

[RCW 13.32A.090](#)

5430 Transportation to Child's Home or Out-of Home Placement

The administrator of a designated CRC, or the department, pursuant to RCW 13.32A.070 shall:

- A. Arrange transportation for the child to the residence of the parent, as soon as practicable, when the child and his or her parent agree to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home.
- B. Arrange transportation for the child to: (i) An out-of-home placement, which may include a licensed group care facility or foster family, when agreed to

by the child and parent; (ii) a certified or licensed mental health or chemical dependency program of the parent's choice.

- C. If the administrator of the crisis residential center performs the duties listed above, he or she shall also notify the department that a child has been admitted to the crisis residential center.

[RCW 13.32A.090](#)

5440 Crisis Residential Center (CRC)

- A. A child admitted to a secure facility shall remain in the facility for at least 24 hours after admission but for no more than five consecutive days. If the child admitted under this section is transferred between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission.

[RCW 13.32A.130](#)

- B. The facility administrator shall determine within 24 hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to DCFS.

[RCW 13.32A.130](#)

- C. An administrator may transfer a child from a semi-secure facility to a secure facility whenever the administrator reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in RCW 13.32A.130.

[RCW 13.32A.130](#)

- D. If no parent is available or willing to remove the child during the first 72 hours following admission, DCFS shall consider the filing of a petition under RCW 13.32A.140.

[RCW 13.32A.130](#)

- E. The parents may remove the child at any time during the five-day period unless the staff of the CRC has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. DCFS or any agency legally charged with the supervision of a child may remove a child from a CRC at any time after the first 24-hour period after admission has elapsed and only after full consideration by all parties of the factors in RCW 13.32A.130.

[RCW 13.32A.130](#)

- F. CRC staff shall make reasonable efforts to protect the child and to achieve a reconciliation of the family.

[RCW 13.32A.130](#)

- G. If a reconciliation and voluntary return of the child has not been achieved within 48 hours from the time of admission, and if the administrator of the

center does not consider it likely that reconciliation will be achieved within the five day period, then the person in charge shall inform the parent and child of:

1. The availability of counseling services.
2. The right to file a child in need of services (CHINS) petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition.
3. The right to request the facility administrator or designee to form a multi-disciplinary team.
4. The right to request a review of any out-of-home placement.
5. The right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility.
6. The right to request treatment in a program to address the child's at-risk behavior under a court order at disposition hearing.

[RCW 13.32A.130](#)

- H. Effective June 9, 2000, and through June 30, 2002, this section does not apply to children admitted to a secure facility that is a separate, secure section of a juvenile detention facility under a court order issued under RCW 13.32A.250 or 28A.225.09(2). In no case may a child in contempt be confined in a secure facility that is freestanding outside a juvenile detention facility.

[RCW 13.32A.130](#)

- I. DCFS shall, within 72 hours of a placement, obtain voluntary consent from the parent(s), file a dependency or a CHINS petition, or return the child home.

[RCW 13.32A.140](#)

- J. If a child who has a legal residence outside the state of Washington is admitted to a CRC or is released by a law enforcement officer to the department, and the child refuses to return home, the provisions of RCW 13.24.010, Interstate Compact on the Placement of Children, shall apply.

[RCW 13.32A.110](#)

- K. Effective June 9, 2000, the department has no responsibility to attend hearings, provide transportation, case management, or any other services to youth confined in a secure facility that is a separate, secure section of a juvenile detention facility unless it is otherwise ordered by a court under a petition relating to a CHINS, an at-risk youth, or truancy.

[RCW 13.32A.135](#)

5500 OUT-OF-HOME PLACEMENT

5510 Parent/Child Non-Agreement of Out-of-Home Placement

Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an out-of-home placement arrived at pursuant to RCW 13.32A.090, the administrator of the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

[RCW 13.32A.120](#)

5520 Petition to Approve an Out-of-Home Placement

- A. If a child and his or her parent cannot agree to an out-of-home placement under RCW 13.32A.090, either the child or parent may file with the juvenile court a CHINS petition to approve an out-of-home placement or the parent may file with the juvenile court a CHINS petition in the interest of a child alleged to be an at-risk youth.

[RCW 13.32A.120](#)

- B. Unless the department files a dependency petition, the department shall file a CHINS petition to approve an out-of-home placement on behalf of a child under any of the following sets of circumstances.
 - 1. The child has been admitted to a CRC or has been placed by the department in an out-of-home placement, and:
 - a. The parent has been notified that the child was admitted or placed;
 - b. The child cannot return home, and legal authorization is needed for out-of-home placement beyond 72 hours;
 - c. No agreement between the parent and the child as to where the child shall live has been reached;
 - d. No CHINS petition has been filed by either the child or parent;
 - e. The parent has not filed an at-risk youth petition; and
 - f. The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of this section, the child shall remain in an out-of-home placement until a CHINS petition filed by the department on behalf of the child is reviewed and resolved by the juvenile court. The department may authorize emergency medical or dental care for a child admitted to a CRC or placed in out-of-home placement by the

department. The state, when the department files a CHINS petition under this section, shall be represented as provided for in RCW 13.04.093.

[RCW 13.32A.140](#)

2. The child has been admitted to a CRC and:
 - a. Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since placement;
 - b. The staff, after searching with due diligence, have been unable to contact the parent of such child; and
 - c. The child has no suitable place to live other than the home of his or her parent.

[RCW 13.32A.140](#)

3. An agreement between parent and child made pursuant to RCW 13.32A.090 or RCW 13.32A.120 is no longer acceptable to parent or child; and
 - a. The party to whom the arrangement is no longer acceptable has so notified the department;
 - b. Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
 - c. No new agreement between parent and child as to where the child shall live has been reached;
 - d. No CHINS petition has been filed by either the child or the parent;
 - e. The parent has not filed an at-risk youth petition; and
 - f. The child has no suitable place to live other than the home of his or her parent.

[RCW 13.32A.140](#)

- C. Under the circumstances outlined above, the child shall remain in out-of-home placement until a CHINS petition filed by the department on behalf of the child is reviewed and resolved by the juvenile court. The department may authorize emergency medical or dental care for a child placed under these circumstances.

[RCW 13.32A.140](#)

D. Family Assessment and Filing of a Petition

1. Except as otherwise provided in chapter 13.32A RCW, the juvenile court shall not accept the filing of a CHINS petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that the department has completed a family

assessment. The family assessment shall involve the multi-disciplinary team, if one exists. The family assessment or plan of services developed by the multi-disciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment, the child or the parents may proceed to file with the juvenile court a petition to approve an out-of-home placement.

[RCW 13.32A.150](#)

2. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition must be filed in the county where the parent resides. The petition shall allege that the child is a CHINS and shall ask only that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an out-of-home placement under chapter 13.32A RCW.

[RCW 13.32A.150](#)

3. A petition may not be filed if the child is the subject of a proceeding under chapter 13.34 RCW.

[RCW 13.32A.150](#)

- E. Whenever a CHINS petition is filed by: (a) A youth pursuant to RCW 13.32A.150; (b) the child or the child's parent pursuant to RCW 13.32A.120; or (c) the department pursuant to RCW 13.32A.140, the filing party shall have a copy of the petition served on the parents of the youth. Service shall first be attempted in person and, if unsuccessful, then by certified mail with return receipt.

[RCW 13.32A.152](#)

- F. Whenever a CHINS petition is filed by a youth or parent pursuant to RCW 13.32A.150, the court shall immediately notify the department that a petition has been filed.

[RCW 13.32A.152](#)

5530 Fact-Finding Hearing

- A. The department may present evidence at a fact-finding hearing based upon a CHINS petition and shall recommend approval or dismissal of the petition.

[RCW 13.32A.160](#); [RCW 13.32A.170](#)

1. When a CHINS petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150, the juvenile court shall:
 - a. Schedule a fact-finding hearing to be held:

Chapter 5000: Service Delivery

- i. For a child who resides in a place other than his or her parent's home and other than an out-of-home placement, within five calendar days unless the last calendar is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or
 - ii. For a child living at home or in an out-of-home placement, within 10 days; and
 - iii. Notify the parent, child, and the department of the hearing date.
 - b. Notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court.
 - c. Appoint legal counsel for the child.
 - d. Inform the child and his or her parent of the legal consequences of the court approving or disapproving a CHINS petition.
 - e. Notify the parents of their rights under chapters 13.32A, 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition.
 - f. Notify all parties, including the department, of their right to present evidence at the fact-finding hearing.
 2. Upon filing of a CHINS petition, the child may be placed, if not already placed, by the department in a CRC, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence other than a HOPE center to be determined by the department. The court may place a child in a CRC for temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.
 3. If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence other than a HOPE center as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.
- [RCW 13.32A.160](#)**
- B. If the court orders a three-month out-of-home placement for the child, the court shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical,

dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

RCW 13.32A.180

C. Disposition Hearing

1. A disposition hearing shall be held no later than 14 days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified by the court of the time and place of the hearing.

RCW 13.32A.179

2. At the conclusion of the disposition hearing, the court may:
 - a. Reunite the family and dismiss the petition;
 - b. Approve an at-risk youth petition filed by the parents and dismiss the CHINS petition;
 - c. Approve an out-of-home placement requested in the CHINS petition by the parents; or
 - d. Order an out-of-home placement at the request of the child or the department not to exceed 90 days.
3. At any time, the court may order the department to review the matter for the purpose of filing a dependency petition under chapter 13.34 RCW.
4. Whether or not the court approves or orders an out-of-home placement, the court may also order any conditions of supervision as set forth in RCW 13.32A.196.

RCW 13.32A.179

5. The court may enter an order under paragraph C.2.d above only if it finds by clear, cogent, and convincing evidence that:
 - a. The order is in the best interest of the family; the parents have not requested an out-of-home placement; the parents have not exercised any other right listed in RCW 13.32A.160.
 - i. The child has made reasonable efforts to resolve the problems that led to the filing of the petition;
 - ii. The problems cannot be resolved by delivery of services to the family during continued placement of the child in the parental home;
 - iii. Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's

home and to make it possible for the child to return home; and

- iv. A suitable out-of home placement resource is available.

or

- b. The order is in the best interest of the child, and the parents are unavailable; or
- c. The parent's actions cause an imminent threat to the child's health or safety.

[RCW 13.32A.179](#)

- 6. The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. The plan, if ordered, shall address the needs of the child, and perceived needs of the parents if the order was entered under paragraph C.2.d of this section or if specifically agreed to by the parents. If the parents do not agree or the order was not entered under paragraph C.2.d of this section, the plan may only make recommendations regarding services in which the parents may voluntarily participate. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided with timely notification of all court hearings.

[RCW 13.32A.179](#)

- 7. In a disposition hearing, after a finding that a child is CHINS or an at-risk youth, the court may adopt the additional orders authorized under this section if it finds that the child involved in those proceedings is not eligible for inpatient treatment for a mental health or substance abuse condition and requires special treatment.
 - a. The court may order that a child be placed in a staff secure facility, other than a CRC, that will provide for the child's participation in a program designed to remedy his or her behavioral difficulties or needs.
 - b. The court may not enter this order unless, at the disposition hearing, it finds that the placement is clearly necessary to protect the child and that a less restrictive order would be inadequate to protect the child, given the child's age, maturity, propensity to run away from home, past exposure to serious risk when the child ran away from home, and possible future serious risk if the child ran away from home, and possible future exposure to serious risk should the child run away from home again.

- c. Placements in staff secure facilities under this section shall be limited to children who meet the statutory definition of a CHINS or an at-risk youth as defined in RCW 13.32A.030.
- d. State funds may only be used to pay for placements under this section if, and to the extent that, such funds are appropriated expressly to pay for them.

[RCW 13.32A.197](#)

- D. A child who fails to comply with a court order issued under RCW 13.32A.179 shall be subject to contempt proceedings, as provided in chapter 13.32A RCW, but only if the noncompliance occurs within one year after the entry of the order.

[RCW 13.32A.179](#)

- E. In all CHINS and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to chapter 13.32A RCW. Except as otherwise provided in RCW 13.32A.250, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties.

[RCW 13.32A.250](#)

- F. Failure by a party to comply with an order entered under chapter 13.32A RCW is a contempt of court as provided in Chapter 7.21 RCW. The court may impose a fine of up to 100 dollars and confinement for up to seven days, or both.

[RCW 13.32A.250](#)

- 1. A child placed in confinement for contempt under RCW 13.32A.250 shall be placed in confinement either in a secure juvenile detention facility operated by or pursuant to a contract with a county or, through June 30, 2002, a secure facility that is a separate, secure section of a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

[RCW 13.32A.250](#)

- 2. A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to chapter 13.32A RCW.

[RCW 13.32A.250](#)

- 3. Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under Chapter 13.32A RCW, the court may issue an order directing law enforcement to pick up and take the child to detention or, effective June 9, 2000, through June 30, 2002, to a secure facility. The

order may be entered *ex parte* without prior notice to the child or other parties. Following the child's admission to detention or, effective June 9, 2000, through June 30, 2002, to the secure facility, a review hearing must be held in accordance with RCW 13.32A.065.

[RCW 13.32A.250](#)

- G. No placement made pursuant to RCW 13.32A.180 may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974.

[RCW 13.32A.180](#)

- H. Dismissal of an Out-of-Home Placement-After the court approves or orders an out-of-home placement, the parents or the department may request, and the juvenile court may grant, dismissal of the CHINS proceeding when it is not feasible for the department to provide services due to one or more of the following circumstances:

1. The child has been absent from court approved placement for 30 consecutive days or more;
2. The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or
3. The department has exhausted all available and appropriate resources that would result in reunification.

[RCW 13.32A.179](#); [RCW 13.32A.190](#)

4. The court shall terminate a placement made under RCW 13.32A.190 upon the request of a parent unless the placement is made pursuant to RCW 13.32A.179.

[RCW 13.32A.179](#); [RCW 13.32A.190](#)

5. The court may dismiss a CHINS petition filed by a parent at any time if the court finds good cause to believe that continuation of out-of-home placement would serve no useful purpose.
6. The court shall dismiss a CHINS proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

[RCW 13.32A.190](#)

5540 At-Risk Youth Petition

- A. A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition.
- B. The petition shall set forth facts that support the allegations and shall generally request relief available under Chapter 13.32A RCW. The petition need not specify any proposed disposition following adjudication of the petition.

- C. A petition may not be filed if a dependency petition is pending under chapter 13.34 RCW.

[RCW 13.32A.150](#)

- D. When a proper at-risk petition is filed, the court may order the department to submit a disposition plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

[RCW 13.32A.194](#)

5600 OUT-OF-HOME PLACEMENT SERVICES

- A. Upon filing of a CHINS petition, the child may be placed, if not already placed, by the department in a CRC, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence other than a HOPE center to be determined by the department. The court may place a child in a CRC for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

[RCW 13.32A.160](#)

- B. If the child has been placed in a foster family home or group care facility under Chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the child or the child's parent.
- C. When an out-of-home placement is made, the primary goal is to return the child to his/her own family whenever feasible and consistent with the safety of the child.

[RCW 13.34.136](#); 42 USC 675, Sec. 475

5610 Crisis Residential Center (CRC) Placement

A child may be placed in a CRC under at least one of the following conditions:

- A. A CHINS petition has been filed with the juvenile court by the child, the parent, or department.

[RCW 13.32A.140](#); [RCW 13.32A.150](#); [RCW 13.32A.160](#)

- B. A law enforcement officer shall take a child into custody:

- 1. If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

2. If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or
 3. If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or
 4. If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under chapter 13.32A RCW or 13.34 RCW.
[RCW 13.32A.050](#)
 5. If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of abuse or neglect.
 6. It is not practical to take the child to his or her home or place of the parent's employment.
 7. There is no parent available to accept custody of the child.
[RCW 13.32A.060](#)
- C. Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under chapter RCW 13.32A RCW, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.
[RCW 13.32A.050](#)
- D. If a law enforcement officer takes a child into custody pursuant to this subsection and transports the child to a CRC, the officer shall, within 24 hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department with a copy of the officer's report.
[RCW 13.32A.050](#)
- E. If the law enforcement officer who initially takes the child into custody or the staff of the CRC have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department.
[RCW 13.32A.050](#)

- F. If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

[RCW 13.32A.050](#)

5620 Time Limitation for CRC Placements

A child admitted to a secure facility shall remain in the facility for at least 24 hours after admission but for no more than five consecutive days. However, parents may remove the child at any time if there is no indication that they have abused the child.

[RCW 13.32A.130](#)

5630 Prior to Placement of a Child

For placements other than shelter care cases, in which case a dependency petition would need to be filed within 72 hours, the following are applicable:

- A. Obtain legal authority to place child.
- B. Investigate, including a criminal history/arrest record and CPS check, any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children prior to authorizing that person to care for children:

[RCW 13.34.050](#); [RCW 13.34.060](#)

1. If a child is placed with a relative under a section of RCW 13.34. or RCW 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement.

[RCW 74.15.030](#)

2. When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in Chapter 74.34, including but not limited to services provided under Chapter 74.30 or 74.39A RCW.

RCW 43.43.832

- C. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be finger printed.

1. The fingerprints shall be forwarded to the Washington State Patrol and Federal Bureau of Investigation (FBI) for a criminal history records check.
2. The fingerprint criminal history records check will be at the expense of the licensee, except that in the case of a foster family home, if this expense would create a hardship on the licensee, the department shall pay the expense.
3. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record.

[RCW 74.15.030](#)

4. If a FBI check is required in addition to the state background check by the department, effective June 9, 2000, an applicant for employment with an agency licensed or certified under chapter 74.15 RCW who is not disqualified based on the results of the state background check shall be eligible for a 120 day provisional approval to hire, pending the outcome of the FBI check. See Appendix A for the definition of "applicant."
 - a. The department may extend the provisional approval until receipt of the FBI check.
 - b. If the FBI check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.

RCW 43.43.832

- D. Whenever a child is taken into custody, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

[RCW 13.34.060](#)

5631 Conflict of Interest in Placement

See chapter 2000, section 2131(D) for related directives regarding conflict of interest in investigations.

- A. No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:
 1. There is an adult in the home who, as a result of:
 - a. His or her employment; and

- b. An allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or
 - 2. The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes:
 - a. An allegation of abuse or neglect against the child or any sibling of the child; or
 - b. A claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.
- B. For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by:
 - 1. Law enforcement personnel;
 - 2. Persons employed by, or under contract with, the state;
 - 3. Persons licensed to practice law and their employees; and
 - 4. Mental health professionals as defined in chapter 71.05 RCW.
- C. The prohibition set forth in paragraph A of this section may not be waived or deferred by the department under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

[RCW 74.13.280](#)

5640 After Placement of a Child

DCFS shall:

- A. Not make payment for any child in group care unless the group home is licensed and DSHS has custody and supervision of the child.

[RCW 74.13.080](#)
- B. Obtain the child's medical history and immunization history from the child's parent/guardian and medical/dental providers at the time of the child's placement and maintain it in the child's record.

42 USC 675, Sec. 475
- C. Provide foster parents with a health history, including an immunization history, history of allergies, previous illness, and conditions of the child which may adversely affect his/her health. See chapter 4000, section 4120, paragraph A, for requirements to disclose information regarding HIV and sexually transmitted diseases for child less than 14 years of age to residential care providers.

[RCW 74.13.280](#); **42 USC 675, Sec. 475**

- D. Arrange for a child expected to remain in care beyond 30 days to have a screening for multiple needs within 30 days of placement.
- E. Complete an Individual Service and Safety Plan (ISSP) within 60 days of the begin date of out-of-home placement.

42 USC 675, Sec. 475

5641 Health and Education Passport

- A. The department shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status for any child who has been in a foster home for 90 consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.
 - 1. The passport shall be provided to a foster parent at any placement of a child meeting the requirements of this section.
 - 2. The department shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.
 - 3. New placements shall have first priority in the preparation of passports. The department may prepare passports for any child in a foster home, provided that no time spent in a foster home before the effective date of the authorizing statute shall be included in the computation of the 90 days.
- B. In addition to the requirements of paragraph A above, the department shall notify a foster parent before placement of a child with any known health conditions that pose a serious threat to the child and any known behavior history that presents a serious risk of harm to the child or others.
- C. The department shall hold harmless the provider of education information for any unauthorized disclosures caused by the department.
- D. The department is authorized to disclose education records it obtains pursuant to RCW 28A.150 to a foster parent, guardian, or other entity authorized by the department to provide residential care for children.

RCW 74.13.285

RCW 28A.150

5650 Considerations Regarding Moving a Child

- A. DCFS will make efforts to reduce multiple placements of children.
- B. Whenever a child has been placed in a foster family home for at least ninety (90) consecutive days, DCFS shall notify the foster family that the child is to be moved at least five (5) days prior to moving the child unless:

RCW 74.13.290

1. A court order has been entered requiring an immediate change in placement.
 2. The child is being returned home.
 3. The child's safety is in jeopardy.
 4. The child is residing in a receiving home or a group home.
- [RCW 74.13.300](#)
- C. If the child has resided in a foster family home for less than 90 days or, if due to one or more of the circumstances enumerated above, it is not possible to give five (5) days notification, the department shall notify the foster family of proposed placement changes as soon as reasonably possible.
- [RCW 74.13.300](#)
- D. Rules about notification of foster parents do not require that court hearings be held before changing a child's foster care placement nor to create any substantive custody rights for the foster parents.
- [RCW 74.13.300](#)

5660 Placement in Mental Health Care

- A. The department shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted to an inpatient mental health treatment facility. See RCW 71.34.042 regarding the ability for self-admission of a child age 13 or above. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department does not allow time for the department to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department shall seek court approval by requesting that a hearing be set on the first available court date.
- RCW 13.34.320**
- B. A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department, in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.
- [RCW 13.34.330](#)
- C. For minors who cannot consent to the release of their records with the department because they are not old enough to consent to treatment, or, if

old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department has authorized to provide mental health treatment under paragraph A above, the department shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department records to another treating physician.

[RCW 13.34.340](#)

5700 JUVENILE DEPENDENCY AND RIGHTS OF CHILDREN AND FAMILIES

- A. The department shall have authority to provide continued foster care or group care for individuals from 18 through 20 years of age to enable them to complete their high school or vocational school program.
- B. The department shall have the authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

[RCW 74.13.031](#)

5710 Dependency Petition

Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing in the county, a dependent child.

RCW 13.34.040

5720 Initial Court Order

- A. Protective Order
 - 1. The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if:
 - a. A petition is filed with the juvenile court alleging that the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody;
 - b. An affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to

the child. See Appendix A for the definition of "imminent harm"; and

- c. The court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.
2. Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard before the order may be entered.
3. The petition and supporting documentation must be served on the parent, and if the child is in custody at the time the child is removed, on the entity with custody other than the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

[RCW 13.34.050](#)

- B. No child may be held longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a court order has been entered for continued shelter care.

RCW 13.34.060

5730 Contempt of Court

- A. Failure of a party to comply with an order entered under chapter 13.34 RCW is civil contempt of court as provided in RCW 7.21.030. The maximum term of confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seven days.

[RCW 13.34.165](#)

- B. A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to chapter 13.34 RCW.

RCW 13.34.165

- C. A child held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

[RCW 13.34.165](#)

- D. Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under chapter 13.34 RCW, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered *ex parte* without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.

[RCW 13.34.165](#)

5740 Parental Rights

See the *Practices and Procedures Guide*, chapter 5000, section 5200 on using the Federal Parent Locator service that is available to CA through an Inter-Agency Data Sharing Agreement with the Division of Child Support (DCS). The use of the Federal Parent Locator service will help to ensure that parents receive notification when a child is taken into custody.

5741 Notification of Custody

- A. Immediate Notification to Parents-If a child is taken into custody pursuant to a court order issued under RCW 13.34. the CPS worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement.

[RCW 26.44.115](#)

- B. Non-Custodial Parent Notification-Whenever the CPS worker is required to notify parents and children of their basic rights and other specific information, the worker shall also make a reasonable effort to notify the non-custodial parent of the same information in a timely manner.

[RCW 26.44.120](#)

- C. Written Notification

1. When a child is taken into custody by CPS pursuant to a court order issued under RCW 13.34.050 or when CPS is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, CPS shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights as soon as possible and in no event shall notice be provided more than 24 hours after the child has been taken into custody or 24 hours after CPS has been notified that the child has been taken into custody.
2. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, Child Protective Services shall make reasonable efforts to also provide written notification. Written notice of custody and rights shall be provided to the parents as described specifically in the practice guide.
3. The written notice of custody and rights must include a statement that, if the hearing occurs before a court commissioner, the parent, guardian, or legal custodian has the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain the review, the parent, guardian, or legal custodian must, within 10 days

after the entry of the decision of the court commissioner, file with the court a motion for review of the decision, as provided in RCW 2.25.050.

[RCW 13.34.060](#)

- D. Acknowledgment of Notification-Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by CPS. If the receipt is not signed the reason for lack of a signature shall be written on the receipt which becomes part of the court's file in the dependency action.

RCW 13.34.062

- E. Tribal Notification-When the court knows or has reason to believe that the child involved is a member or eligible to be a member of an Indian Tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's Tribe. If the identity or location of the Tribe cannot be determined, such notice shall be transmitted to the Secretary of the Interior.

[RCW 13.34.070](#)

5742 Notification of Shelter Care Hearing

- A. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing.

[RCW 13.34.060](#)

- B. In circumstances where CPS is not required to give notice under RCW 13.34.060, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

[RCW 13.34.062](#)

- C. Reasonable efforts to advise and to give notice, as required in RCW 13.34.060 and this section shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or if the parent, guardian, or legal custodian does not appear at the shelter care hearing, petitioner shall testify at the hearing or state in a declaration:

1. The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and
2. Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

[RCW 13.34.062](#)

- D. If a party to an action is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

RCW 13.34.090

E. Legal Access to Agency Records

1. Copies of department or supervising agency records to which parents have legal access in accordance with RCW 13.50 shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, within 15 days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel.
2. The department shall provide these records in a reasonable period of time prior to the shelter care hearing in order to allow an opportunity to review the records. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel. When the records are served on legal counsel, legal counsel shall have the opportunity to review the records with the parents and shall review the records with the parents prior to the shelter care hearing.

RCW 13.34.090

5750 Shelter Care

- A. A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. No child may be held longer than 72 hours, and the court shall hold a shelter care hearing within 72 hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care.
 1. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care shall be with any related person described in RCW 74.15.020.
 2. The related person must be willing and available to care for the child and be able to meet any special needs of the child.
 3. If a child is not initially placed with a relative pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative on the next business day after the child is taken into custody.
 4. The supervising agency shall document its effort to place the child with a relative pursuant to this section. Nothing within this subsection establishes an entitlement to services or a right to a particular placement.

B. Case Conference Agreement Conditions

1. Following shelter care and no later than twenty-five days prior to fact-finding, the department, upon the parent's request or counsel for the parent's request, shall facilitate a conference to develop and specify in a written service agreement the expectations of both the department and the parent regarding the care and placement of the child.
2. The department shall invite to the conference the parent, counsel for the parent, the foster parent or other out-of-home care provider, caseworker, *guardian ad litem*, counselor, or other relevant health care provider, and any other person connected to the development and well-being of the child.

RCW 13.34

3. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

RCW 13.34.062

- C. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

RCW 13.34.060

- D. The court shall hear evidence regarding notice given to, and efforts made to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative.

RCW 13.34.062

- E. The department shall submit a recommendation to the court as to the further need for shelter care unless otherwise ordered by the court. The parent(s) may request that a multidisciplinary team, family group conference, prognostic staffing or case conference be convened for the child's case. Participation may include the parent and counsel.

RCW 13.34.062

- F. If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060, the court shall order continued placement with a relative, unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized.

1. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the

supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060.

2. If a relative is not available, the court shall order continued shelter care or order placement with another suitable person and shall set forth its reasons for the order.
3. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department to make reasonable efforts to advise the parent, guardian, or legal custodian of

the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

[RCW 13.34.062](#)

- G. No child may be detained longer than 30 days without an order, signed by a judge, authorizing continued shelter care.

[RCW 13.34.062](#)

- H. The return home of a child for a second time initiates one or both of the following processes:

1. If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.
2. If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

5760 Fact-Finding or Disposition Hearing

- A. The fact-finding hearing on the petition shall be held no later than 75 days after the filing of the petition, unless exceptional reasons for a continuance are found. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090 (1). The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances exist.

[RCW 13.34.070](#)

- B. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who:
 1. Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt.

2. Are known to the department as having been in contact with the family or child within the past 12 months; and
3. Would be an appropriate placement for the child.

Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

[RCW 13.34.110](#)

- C. Stipulation Agreements-No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination except as otherwise admissible under the rules of evidence.

[RCW 13.34.110](#)

1. The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time.
2. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any.
3. If the Department of Social and Health Services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.
4. Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.
5. Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:
 - a. The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her

responsibility to participate in remedial services as provided in any disposition order;

- b. The parent, guardian or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child with the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;
 - c. The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and
 - d. The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.
6. If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court-hearing for entry of the stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington State Supreme Court pursuant to General Rule GR 9.

[RCW 13.34.110](#)

- D. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.

[RCW 13.34.115](#)

- E. Service of summons may be made under the direction of the court by any person 18 years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or DSHS employee.
[RCW 13.34.070](#)
- F. To aid the court in its decision on disposition, a social study shall be made by the person or agency filing the petition. A parent may submit a counselor's or health care provider's evaluation of the parent, which shall be included in the social study or considered in conjunction with the social study. See Appendix A for the definition of social study.
[RCW 13.34.120](#)
- G. At least 10 working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan.
[RCW 13.34.120](#)
- H. It is the responsibility of the parents, guardians, or legal custodians to ensure that children within the custody of such individuals attend school as provided for by law. To this end, while a parent's failure to cause a child to attend school should not alone provide a basis for a neglect petition against the parent or guardian, when a neglect petition is filed on the basis of other evidence, a parent or guardian's failure to take reasonable steps to ensure that the child attends school may be relevant to the question of the appropriate disposition of a neglect petition.
[RCW 13.34.300](#)

5761 Disposition Determinations

After consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held, the court shall order one of the following dispositions of the case:

- A. Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services, including housing assistance, that least interferes with family autonomy, provided that the services are adequate to protect the child.
- B. Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the Department of Social and Health Services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to Chapter 74.15 RCW, or in a home not required to be licensed pursuant to Chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that effort to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020 and with whom the child has a

relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court.

- C. Order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodians, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:
1. There is no parent or guardian available to care for such child.
 2. The parent, guardian, or legal custodian is not capable of taking custody of the child.
 3. The court finds, by clear and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.
 4. The extent of the child's disability is such that the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

[RCW 13.34.130](#)

[RCW 13.34.270](#)

5762 Termination of Parental Rights

A. Aggravated Circumstances

If the court has ordered a child removed from his or her home under provisions of RCW 13.34.130, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds:

1. Termination is recommended by the supervision agency;
2. Termination is in the best interest of the child; and that
3. Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child.
4. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

- a. Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.73, 9A.44.76, and 9A.44.79.
 - b. Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030.
 - c. Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.11 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130.
 - d. Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child.
 - e. Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in a, b, c, or d above.
 - f. A finding by the court that a parent is a sexually violent predator as defined in RCW 71.09.020.
 - g. Failure of the parent to complete available treatment as ordered under RCW 13.34 or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, 25 USC 1903, the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home.
 - h. A dependent child under three years of age has been abandoned as defined in RCW 13.34.030 or RCW 13.34.180.
 - i. Conviction of the parent of a sex offense under chapter 9A.44 RCW or incest under RCW 9A.64.020 when the child is born of the offense.
5. If reasonable efforts are not ordered under paragraph A.3 above, a permanency planning hearing shall be held within 30 days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.
[RCW 13.34.134](#)
 6. In lieu of the allegations of paragraphs B.2 through B.6, page 5-32 below, the petition may allege that the parent has been convicted of:

- a. Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;
- b. Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;
- c. Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in paragraph a or b above; or
- d. Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

[RCW 13.34.180](#)

It is not a prerequisite for termination of parental rights that the parent be convicted of a crime.

- B. A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070, and shall allege all of the following unless paragraph A.6 or B.6 of this section applies:

1. That the child has been found to be a dependent child;
2. That the court has entered a disposition order pursuant to RCW 13.34.130;
3. That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;
4. That the services ordered under RCW 13.34. have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;
5. That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within 12 months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or

provided. In determining whether the conditions will be remedied, the court may consider but is not limited to the following factors:

- a. Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or
- b. Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

[RCW 13.34.180](#)

- 6. That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

[RCW 13.34.180](#)

- C. In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

[RCW 13.34.180](#)

D. Notice of Rights in a Termination Action

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition.

[RCW 13.34.180](#)

- E. **Custodial Care-**If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department or agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical

treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

[RCW 13.34.210](#)

F. **Findings and Order Terminating Parental Rights**-After hearing pursuant to RCW 13.34.110 or 13.34.130, the court may enter an order terminating all parental rights to a child only if the court finds that:

1. The allegations contained in the petition as provided in RCW 13.34.180 are established by clear, cogent, and convincing evidence; or
2. The provisions of RCW 13.34.180(1) (a), (b), (e), and (f) are established beyond a reasonable doubt and if so, then RCW 13.34.180(1)(c) and (d) may be waived. When an infant has been abandoned, as defined in RCW 13.34.030, the abandonment has been proved beyond a reasonable doubt, then RCW 180(1)(c) and (d) may be waived; or
3. The allegation under RCW 13.34.180(2) is established beyond a reasonable doubt. In determining whether RCW 13.34.180(1)(e) and (f) are established beyond a reasonable doubt, the court shall consider whether one or more of the aggravated circumstances listed in RCW 13.34. exist; or
4. The allegation under RCW 13.34.180(3) is established beyond a reasonable doubt; and
5. Such an order is in the best interests of the child.

[RCW 13.34.190](#)

G. **Voluntary Adoption Plan**

1. In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan (VAP) for the child and has agreed to the termination of his or her parental rights, the department shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that:
 - a. This adoption is in the best interest of the child; and
 - b. The prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in chapter 13.34 RCW and chapter 26.33 RCW.
2. If the Attorney General's office or the prosecuting attorney, as applicable, has filed a termination petition at the department's request, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

[RCW 13.34.125](#)

5770 Guardianship

- A. Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. DSHS shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings.
[RCW 13.34.230](#)
- B. Any person over the age of twenty-one (21) years who is not otherwise disqualified by this section, any nonprofit corporation, or any Indian tribe may be appointed the dependency guardian of a child under RCW 13.34.232. No person is qualified to serve as a dependency guardian unless the person meets the minimum requirements to care for children as provided in RCW 74.15.030.
[RCW 13.34.236](#)
- C. A guardianship may be established if the court finds by a preponderance of the evidence that:
 1. The child has been found to be a dependent child under RCW 13.34.030;
 2. A disposition order has been entered pursuant to RCW 13.34.130;
 3. The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030;
 4. The services ordered under RCW 13.34.130 and a modified section of RCW 13.34. have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;
 5. There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and
 6. A guardianship, rather than termination of the parent-child relationship or continuation of efforts to return the child to the custody of the parent, would be in the best interest of the child.[RCW 13.34.231](#)
- D. If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a dependency guardianship for the child. The order shall:
 1. Appoint a person or agency to serve as dependency guardian for the limited purpose of assisting the court to supervise the dependency.
 2. Specify the dependency guardian's rights and responsibilities concerning the care, custody, and control of the child.

3. Specify the dependency guardian's authority, if any, to receive, invest, and expend funds, benefits, or property belonging to the child.
4. Specify an appropriate frequency of visitation between the parent and the child.
5. Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

[RCW 13.34.232](#)

- E. Unless the court specifies otherwise in the guardianship order, the dependency guardian shall maintain the physical custody of the child and have the following rights and duties:

1. Protect, discipline, and educate the child.
2. Provide food, clothing, shelter, education as required by law, and routine health care for the child.
3. Consent to necessary health and surgical care and sign a release of health care information to appropriate authorities, pursuant to law.
4. Consent to social and school activities of the child.
5. Provide an annual written accounting to the court regarding receipt by the dependency guardian of any funds, benefits, or property belonging to the child and expenditures made there from.

[RCW 13.34.232](#)

- F. The child shall remain dependent for the duration of the guardianship. While the guardianship remains in effect, the dependency guardian shall be a party to any dependency proceedings pertaining to the child.

[RCW 13.34.232](#)

- G. The guardianship shall remain in effect only until the child is eighteen (18) years of age or until the court terminates the guardianship order, whichever occurs sooner.

[RCW 13.34.232](#)

- H. Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department was not previously a party to the guardianship proceeding, the department shall nevertheless have the right to: (1) Initiate a proceeding to modify or terminate a guardianship; and (2) intervene at any stage of such a proceeding.

[RCW 13.34.233](#)

- I. The guardianship may be modified or terminated upon the motion of any party or the department if the court finds a preponderance of evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

[RCW 13.34.233](#)

- J. Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

[RCW 13.34.233](#)

- K. Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department or a licensed child placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34. and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

[RCW 13.34.233](#)

- L. Establishment of a dependency guardianship under RCW 13.34.231 and 13.34.232 does not preclude the dependency guardian from receiving foster care payments.

[RCW 13.34.234](#)

- M. A dependency guardianship is not subject to the review hearing requirements of RCW 13.34. unless ordered by the court under RCW 13.34.232.

[RCW 13.34.235](#)

5780 Developmentally Disabled Children

5781 Judicial Determination for Out-of-Home Placement

- A. Whenever the department places a child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within 180 days of the placement that continued placement is in the best interests of the child. If the child's out-of-home

placement ends before 180 days have elapsed, no judicial determination is required.

[RCW 13.34.270](#)

B. To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability and that the child has been placed in out-of-home care pursuant to RCW 74.13.350.

1. The petition shall request that the court review the child's placement, make a determination whether continued placement is in the best interests of the child, and take other necessary action as provided in RCW 13.34.270.
2. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care.
3. The department shall make reasonable attempts to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

[RCW 13.34.270](#)

C. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this paragraph may be given by the most expedient means, including, but not limited to, mail, personal service, and telephone.

[RCW 13.34.270](#)

5800 ADOPTION

5810 Adoption Support

It is a statement of legislative intent and a goal to encourage, within the limits of available funds, the adoption of hard-to-place children and to reduce the number of children who must be placed in or remain in foster homes or institutions until they become adults. It is also a goal to try, through the Adoption Support Program, to reduce the total cost to the state of foster home and institutional care.

RCW 74.13.100

5820 Pre-placement Report

A child shall not be placed with a prospective adoptive parent until a pre-placement report has been filed with the court. This includes the adoption home study, background checks, and the agency's specific recommendations to the court regarding the suitability of the family for adoption.

RCW 26.33.180; RCW 26.33.190

5830 Adoption Confidentiality

- A. Department and agency files regarding an adoption shall be confidential except the department or agency may disclose non-identifying information upon the receipt of a verified written request for the information from the adoptive parent, the adoptee, or the birth parent.
[RCW 26.33.340](#)
- B. The placing agency providing reports or information on the adoptive child to the prospective or actual adoptive parents shall not reveal the identity of the birth parents of the child.
[RCW 26.33.380](#)
- C. All records of any proceeding under the Adoption chapter, RCW 26.33, shall be sealed and shall not be open to inspection by any person except upon order of the court for good cause shown, or except by using the procedure to search for birth parent or adopted child described in RCW 26.33.343.
[RCW 26.33.330](#)

5840 Case Records to Prospective Adopting Parent

- A. The department shall transmit and make available to the prospective adopting parent prior to placement:
 - 1. A complete medical report containing all known and available medical information concerning the mental, physical, and sensory handicaps of the child. Where known or available, the information provided shall include a review of the birth family's and the child's previous medical history. The report shall not reveal the identity of the birth parent of the child, except as authorized by chapter 26.33 RCW, but shall include any known or available mental or physical health history of the birth parent that needs to be known by the adoptive parent to facilitate proper health care for the child or that will assist the adoptive parent in maximizing the developmental potential of the child.
[RCW 26.33.350](#); 42 USC 675, Sec. 475
 - a. Where known or available, the information provided shall include:
 - i. A review of the birth family's and the child's previous medical history, including the child's x-rays, examinations, hospitalizations, and immunizations. Medical histories shall be given on a standardized reporting form developed by the department (DSHS 13-041);
 - ii. A physical exam of the child by a licensed physician with appropriate laboratory tests and x-rays;
 - iii. A referral to a specialist if indicated in reports released in the DSHS 13-041; and

- iv. A written copy of the evaluation with recommendations to the adoptive family receiving the report.

RCW 26.33.350

- b. The department and private adoption agencies and entities shall make reasonable efforts to locate records and information concerning the child's mental, physical, and sensory handicaps. The entities providing the information have no duty, beyond providing the information, to explain or interpret the records or information regarding the child's present or future health.

RCW 26.33.350

- 2. Following reasonable efforts to locate the information, a family background and child and family social history report with a chronological history of the circumstances surrounding the adoptive placement and any psychiatric, psychological, court, or school reports which are available excluding the identity of the birth parents of the child. Reports or information provided to the prospective adopting parent shall not reveal the identity of the birth parents of the child but shall include reasonably available non-identifying information. The DSHS form used for this report is the DSHS 13-041(X).

RCW 26.33.380

See chapter 8000, section 8330, regarding the requirement for provision of a medical/family and social history report to prospective adoptive parents.

- B. Department staff must disclose to adoptive parents when a child being placed for adoption is receiving mental health services, is prescribed psychotropic medication, has a sexually transmitted disease, and/or is HIV positive. With respect to disclosure of HIV antibody test or testing or treatment of sexually transmitted diseases, the department shall comply with the following requirements:
 - 1. The following persons may receive such information: A department worker, a child placing agency worker, or a *guardian ad litem* who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child who is less than 14 years of age, has a sexually transmitted disease, and is in the custody of the department or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department or a licensed child placing agency determines that it is necessary for the provision of child care services.
 - 2. For youth age 14 and above, before disclosing information regarding sexually transmitted disease testing and treatment to prospective adoptive placement resources, the department social worker shall

RCW 70.24.105

obtain a signed consent to release the information from the otherwise competent youth or a court order.

RCW 70.24.105

3. Whenever disclosure is made, except with the signed consent of the youth age 14 and older, the disclosure shall be accompanied by a statement in writing which includes the following or substantially similar language:

"This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

- a. An oral disclosure shall be accompanied or followed by such a notice within 10 days.

RCW 70.24.105

- b. The form *Disclosure of Confidential HIV/AIDS Information*, DSHS 09-837, is used for purpose of such disclosure.

5850 Adoption Consent

- A. Except as otherwise provided in RCW 26.33.170, consent to an adoption shall be required of the following if applicable:

1. Children 14 years of age or older;
2. The parents and any alleged father of an adoptee under 18 years of age;
3. An agency or the department to whom the adoptee has been relinquished pursuant to RCW 26.33.080; and
4. The legal guardian of the adoptee.

- B. Except for Indian children, consent to adoption is revocable by the consenting party at any time before the consent is approved by the court. See the *CA Indian Child Welfare Manual* for procedures regarding Indian children.

RCW 26.33.160

- C. An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines by clear, cogent, and convincing evidence that the proposed adoption is in the best interests of the adoptee.

RCW 26.33.170

- D. An alleged father's, birth parent's, or parent's consent to adoption may be dispensed with if the court finds that the proposed adoption is in the best interests of the adoptee and:
1. The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the adoptee was the victim of the rape or incest; or
 2. The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the other parent of the adoptee was the victim of the rape or incest and the adoptee was conceived as a result of the rape or incest.
 3. Nothing in this section shall be construed to eliminate the notice provisions of chapter 26.33 RCW.

[RCW 26.33.170](#)

5860 DSHS Post-Adoption Services

The department shall provide written adoption-related information and referral services for families who completed their adoption through the department. Information provided shall include, but is not limited to adoption support, family reconciliation services, archived records, mental health, and developmental disabilities.

[RCW 26.33.390](#)

